

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

29872

FILE: B-217102

DATE: November 28, 1984

MATTER OF: Belex Enterprises, Inc.

DIGEST:

GAO generally will not review a contracting officer's determination of nonresponsibility with respect to a small business bidder since by law the Small Business Administration is empowered to determine conclusively that a small business firm is responsible.

Belex Enterprises, Inc. (Belex), a small business, protests the negative preaward survey and the nonresponsibility determination by the contracting officer made in connection with solicitation No. DLA100-84-B-0945 issued by the Defense Logistics Agency, Defense Personnel Support Center, Philadelphia, Pennsylvania. We have been informed that this matter has been referred to the Small Business Administration (SBA) for the possible issuance of a certificate of competency (COC).

We dismiss the protest.

The SBA has statutory authority to review a contracting officer's determination of nonresponsibility and to determine that a small business concern is responsible by issuing a COC. 15 U.S.C. § 637(b)(7) (1982). Consequently, we will not undertake an independent review of a contracting officer's nonresponsibility determination, since such review would be tantamount to a substitution of our judgment for that of the SBA. See Hoffman Construction Company, B-214240, Mar. 13, 1984, 84-1 C.P.D. ¶ 304.

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